

FISHERIES

Pacific Salmon

**Agreement Between the
UNITED STATES OF AMERICA
and CANADA**

**Amending Annex IV to the
Treaty of January 28, 1985, as
Amended**

Effected by Exchange of Notes at
Washington July 24 and August 12, 1998

with

Attachment



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

CANADA

Fisheries: Pacific Salmon

*Agreement amending Annex IV of
the treaty of January 28, 1985, as amended.
Effected by exchange of notes at Washington
July 24 and August 12, 1998;
Entered into force August 12, 1998.
With attachment.*

DEPARTMENT OF STATE
WASHINGTON

July 24, 1998

Excellency:

I have the honor to refer to the Treaty between the United States and Canada concerning Pacific Salmon, signed at Ottawa on January 28, 1985, and to the recommendations made by the Pacific Salmon Commission (PSC) in their letter of July 9, 1998, in accordance with Article XIII, paragraphs 2 and 3 of the Treaty.

In accordance with Article XIII, paragraph 3 of the Treaty, I have the further honor to propose that Annex IV, Chapter Six of the Treaty be extended for the 1998 fishing season, and that Annex IV, Chapter 4 be amended as set forth in the attachment to the Note, consistent with the recommendations contained in the Pacific Salmon Commission letter of July 9, 1998.

His Excellency,

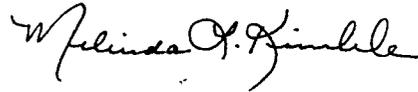
Raymond A. J. Chretien,

Ambassador of Canada.

I have the further honor to propose that if this proposal is acceptable to the Government of Canada, this note, with its attachment, and Your Excellency's reply shall constitute an agreement between our two Governments, which shall enter into force on the date of Your Excellency's note in reply.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

A handwritten signature in cursive script, reading "Melinda G. Kimbela". The signature is written in dark ink and is positioned below the typed name of the Secretary of State.



PACIFIC SALMON COMMISSION

ESTABLISHED BY TREATY BETWEEN CANADA
AND THE UNITED STATES OF AMERICA
MARCH 18, 1985

600 - 1155 ROBSON STREET
VANCOUVER, B.C. V8E 1B5
TELEPHONE: (604) 664-8081
FAX: (604) 666-4707

Our File: 71002

Your File:

July 9, 1998

The Honorable Madeleine Albright
Secretary of State
U.S. Department of State
2201 C Street N.W.
Washington, D.C. 20520

Dear Madam:

I have the honor to report to you understandings reached by representatives of the Governments of Canada and the United States regarding certain of the fishery regimes in Annex IV of the Pacific Salmon Treaty, and agreed to by the Chair and Vice-Chair of the Pacific Salmon Commission.

This interim agreement is for 1998 only, and reflects the Parties' interest in conservation and orderly fisheries while they continue negotiations to achieve their long-term objectives. The agreement set forth herein was reached without prejudice to any position to be taken by either Party on any fishery in the future, and shall not be construed as an indication of an acceptable long-term approach to either Parties' objectives.

With respect to Annex IV, Chapter 6 (southern chum), and without prejudice to any future agreements, Canada and the United States shall manage their respective fisheries in a manner that comports with the most-recently expired Annex arrangements.

With respect to Annex IV, Chapter 4 (Fraser sockeye and pink salmon) Canada and the U.S. have agreed for 1998:

1. The Fraser Panel shall manage U.S. commercial net fisheries in panel waters as follows:
 - a) U.S. gill net and purse seine fisheries in Areas 6, 7 and 7A will be open Monday through Friday of each week during the period July 27 through August 21, and will remain closed at all other times during the Panel control period;
 - b) U.S. reef net fishery in Areas 7 and 7A will be open Saturdays and Sundays July 25 through August 23, and will remain closed at all other times during the Panel control period;

.../2



The Honorable Madeleine Albright
U.S. Department of State
July 9, 1998

Page 2

- c) The treaty Indian fishery in Areas 4B, 5 and 6C will be open noon Sundays through noon Fridays July 26 through August 21, and will remain closed at all other times during the Panel control period;
 - d) Notwithstanding the above schedule, the U.S. catch in Panel waters shall not exceed 24.9% of the TAC (Total Allowable Catch);
 - e) In implementing the above schedule, the Fraser Panel shall operate according to its usual policies and practices. This schedule may be modified by agreement of the panel if necessary to achieve spawning escapement objectives and Aboriginal food, social and ceremonial requirements, taking into account in-season information. In addition, the panel may modify the above schedule, if necessary, to ensure the 24.9% catch limit is not exceeded, and to avoid taking an excessive portion of the U.S. harvest in any weekly time period, the intent being to distribute the U.S. catch over the period during which the U.S. fishery is open.
2. The Fraser Panel shall manage Canadian net fisheries in panel waters and Canada shall manage Canadian fisheries outside panel waters in a manner that anticipates and accommodates catches in the U.S. fisheries described in the above schedule, i.e., does not result in harvest of the available TAC to the extent that those U.S. fisheries would need to be shortened for conservation reasons.
3. For the purpose of this Chapter, total allowable catch (TAC) shall be defined as the remaining portion of the annual aggregate Fraser River sockeye and pink runs after the spawning escapements, the agreed Fraser River Aboriginal Exemption, and the catch in Panel authorized test fisheries have been deducted. The following definitions apply to TAC calculation:
- (a) For the purposes of in-season management by the Fraser Panel, the spawning escapement objective is the target set by Canada including any extra requirements that may be determined by Canada and agreed to by the Fraser Panel, for natural, environmental, or stock assessment factors, to ensure the fish reach the spawning grounds at target levels. Any additional escapement amounts believed necessary by Canada for reasons other than the foregoing will not affect the U.S. catch;
 - (b) The agreed Fraser River Aboriginal Fishery Exemption is that number of sockeye which is subtracted from the total run size in determining the TAC. Any Canadian harvests in excess of these amounts count against the TAC, and do not affect the U.S. share. The agreed Fraser River Aboriginal Fishery Exemption is 400,000 sockeye for 1998.

.../3



The Honorable Madeleine Albright
U.S. Department of State
July 9, 1998

Page 3

- (c) For computing TAC by stock management groupings, the Fraser River Aboriginal Fishery Exemption shall be allocated to management groups using the average proportional distribution of this harvest for the three cycles prior to 1985, unless otherwise agreed.
4. Canada and the U.S. agree that the dispute referred to in Canada's note 189 of November 24, 1992 and the U.S. Department of State's note of December 8, 1992, will be addressed in negotiations on arrangements for future years.
 5. The Fraser Panel will develop fishing plans and in-season decision rules as may be necessary to implement the intent of this agreement.

The Pacific Salmon Commission expects that the relevant management agencies in Canada and the United States will manage fisheries under their responsibility consistent with these understandings.

The Commission respectfully requests your early approval of these recommendations.

Sincerely,

PACIFIC SALMON COMMISSION

J. Pipkin
Chair

Canadian Embassy



Ambassade du Canada

August 12, 1998

Note No. 0317

Madam Secretary,

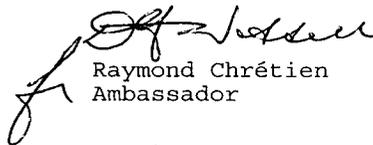
I have the honour to refer to your Note of July 24, 1998, concerning the Treaty between the Government of Canada and the Government of the United States of America concerning Pacific Salmon, signed in Ottawa on January 28, 1985, and to the recommendations made by the Pacific Salmon Commission in their identical letters of July 9, 1998, to the Minister of Foreign Affairs, The Honourable Lloyd Axworthy and the Secretary of State, The Honourable Madeleine Albright, in accordance with Article XIII of the Treaty. (A copy of the letter to Secretary Albright is attached to the Note.)

I have the further honour to agree that, in accordance with Article XIII, paragraph 3, of the Treaty, Annex IV, Chapter 6, be extended for the 1998 fishing season and Annex IV, Chapter 4, be amended as set forth in the Pacific Salmon Commission's letter of July 9, 1998.

I have the further honour to confirm that your Note, together with the Pacific Salmon Commission's letter of July 9, 1998, and this reply, shall constitute an Agreement between our two Governments, which shall enter into force on the date of this Note.

- 2 -

Please accept, Madam Secretary, the renewed assurances
of my highest consideration.



Raymond Chrétien
Ambassador

The Honourable Madeleine Korbel Albright
Secretary of State
Washington, D.C.